

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DENISE BANGERTER,

Plaintiff,

CIV S-04-1510 EJG KJM PS

vs.

JO ANNE B. BARNHART,
Commissioner of Social Security,

Defendant.

FINDINGS & RECOMMENDATIONS

The administrative transcript in this action was filed January 18, 2005. Under the scheduling order filed August 2, 2004, plaintiff was directed to file a motion for summary judgment and/or remand within 45 days from being served with a copy of the administrative record. That time has now expired and plaintiff has failed to comply with the court's scheduling order.

By order filed April 8, 2005, plaintiff was directed to file a motion for summary judgment and/or remand within twenty days. Plaintiff was cautioned that failure to comply with that order would result in a recommendation that this action be dismissed. That time has now expired, and plaintiff has not complied with the April 8, 2005 order or otherwise responded to the court's order.

Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See Local Rule 11-110; Fed. R. Civ. P. 41(b).

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty days after being served with these findings and recommendations, plaintiff may file written objections with the court. The document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file objections within the specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

DATED: May 11, 2005.


UNITED STATES MAGISTRATE JUDGE